

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,  
  
Defendants.

69cv07941 MV/KK

RIO CHAMA STREAM SYSTEM

Rio Cebolla, Section 3

Subfile No. CHCB-002-0009

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

CHARLIE CHACON  
GERALDA M. CHACON

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning the elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.
4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, is set forth below:

**A. POND(S) (Surface Water Only):**

**Office of the State Engineer File No:** NONE

**Priority:** 1923

**Source of Water:** Unnamed arroyo and surface waters of the Rito del Medio, a tributary of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama..

**Purpose of Use:** LIVESTOCK WATERING

**Point of Diversion:**

**Ditch:** ALFALFITA DITCH

**Location X:** 1,577,714 feet **Location Y:** 2,021,173 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Pond Location and Surface Area:**

Section 25, Township 27N, Range 04E, N.M.P.M.

Pt. NW¼ 0.1 acres

Total 0.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.:  
CHCB-002-0009

**Pond Depth:** 3.0 feet

**Pond Volume:** 0.18 acre-feet

**B. NO RIGHT (Surface Water Only):**

**Office of the State Engineer File No(s):** NONE

**Priority:** NONE

**Source of Water:** Surface waters of the Rito del Medio, a tributary of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** ALFALFITA DITCH

Location X: 1,577,714 feet      Location Y: 2,021,173 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage:**

Section 25, Township 27N, Range 04E, N.M.P.M.

Pt. NW¼

3.8 acres

Total      3.8 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.:  
CHCB-002-0009

**Amount of Water: NONE**

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), their successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendant(s), their successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

  
\_\_\_\_\_  
MARTHA VÁZQUEZ  
UNITED STATES DISTRICT JUDGE

ACCEPTED:   
GERALDA M. CHACON

ADDRESS: 1007 S. Prince Dr.  
ESPAÑOLA N.M.

DATE: 87532  
9/19/19

ACCEPTED:   
CHARLIE CHACON

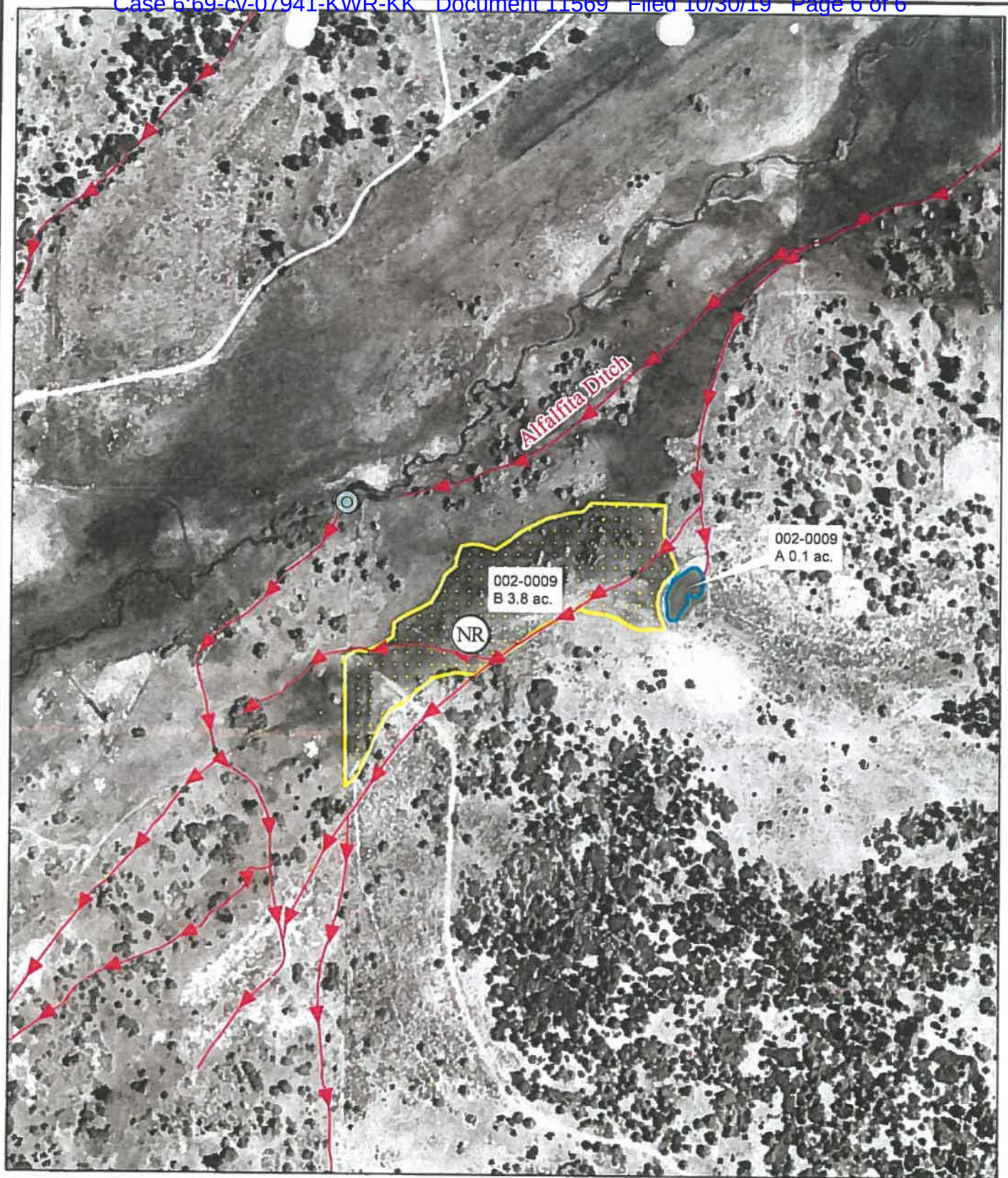
ADDRESS: 1007 S. Prince Dr.  
ESPAÑOLA N.M.

DATE: 87532  
9/19/19

Kelly Brooks Smith  
Kelly Brooks Smith  
Special Assistant Attorney General

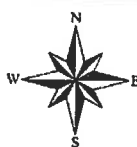
10-1-19  
Date





**LEGEND**

- |  |                          |   |                    |
|--|--------------------------|---|--------------------|
|  | Irrigated Tract Boundary |  | Operable Ditch     |
|  | No Right Tract Boundary  |  | Inoperable Ditch   |
|  | Seeped Area              |  | Point of Diversion |
|  | Stock Ponds / Reservoir  |  | No Right           |



1 inch = 300 feet

0 50 100 200 300  
Feet

STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio Jr., P.E.  
State Engineer

Rio Chama Hydrographic Survey  
Rio Cebolla Section

Subfile Number  
**CHCB 002-0009**  
Alfalfa Ditch  
AMENDED  
September 12, 2019

